

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOE DRINKWINE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant

Case No. 07-12620
Honorable Patrick J. Duggan

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on June 9, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On June 20, 2007, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for Social Security Disability Insurance Benefits. On November 13, 2007, Defendant filed a motion for summary judgment. On February 13, 2008, Plaintiff filed a motion for summary judgment. This Court referred both motions to Magistrate Judge Charles E. Binder.

On April 29, 2008, Magistrate Judge Binder filed a Report and Recommendation (R&R) recommending that this Court deny Plaintiff's motion for summary judgment and grant Defendant's motion. At the conclusion of the R&R, Magistrate Judge Binder advises the parties that they may object to and seek review of the R&R within ten days of service upon them. (R&R at 11.) He further specifically advises the parties that

“[f]ailure to file specific objections constitutes a waiver of any further right of appeal.”

(*Id.*, citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596 (6th Cir. 2006); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Binder. Accordingly,

IT IS ORDERED, that Plaintiff’s motion for summary judgment is **DENIED**;

IT IS FURTHER ORDERED, that Defendant’s motion for summary judgment is **GRANTED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Mikel E. Lupisella, Esq.
AUSA James A. Brunson
Magistrate Judge Charles E. Binder